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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/928,259	08/11/2001	Lloyd E. Fladgard	31957.8010US1	5732
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PERKINS COIE LLP PATENT-SEA P.O. BOX 1247 SEATTLE, WA 98111-1247			EXAMINER ALIE, GHASSEM	
			ART UNIT 3724	PAPER NUMBER
			MAIL DATE 10/04/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

09/928,259

Applicant(s)

FLADGARD ET AL.

Examiner

Ghassem Alie

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. §.133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 07/23/07.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 56-61 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 56-61 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 March 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_.

*Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

a person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 56, 58-59, and 61 are rejected under 35 U.S.C. 102(b) as being anticipated by Repass (1,345,882). Regarding claim 56, Repass teaches a set of cutting blades 11 got use in connection with a hand-held cutting tool. It should be noted that invention is drawn to a set of cutting blade that is intended to be used with a hand-held cutting tool having motor. In other words, the power tool and the motor have not been positively claimed. Repass also teaches a casing 6, 16 with a support configured to carry a pair of fixed cutting blades 11 in a spaced-apart relationship. It should be noted that the block members 6 and 16 that support the reciprocating blade 18 and the cutting blades 11 define the casing. In addition, the cutting blades 11 are fixed with respect to the block 6 of the casing. It should be noted that the claim does not with respect to what member or part of the hand-held tool the cutting blades are considered to be fixed. Repass also teaches a reciprocating cutting member 18 that pivot about a transverse axis to reciprocate between the fixed cutting blades 11. Repass also teaches that the cutting blade includes a body having a hole and spaced-apart first and second shear faces, the hole being configured to be located at the transverse axis of the reciprocating cutting member. It should be noted that the blades 11 have shear faces and a hole for receiving the fastener 17. As is shown in Fig. 2, the blades 11 extend transversely from the block 16. The transverse extension of each one of the cutting blades from one side of the

blade to another side of the blade is considered to be the guide surface. The edge of the blade 11 at the junction of the first guide surface and the first shear face is considered to be a first shear edge and the edge of the blade at the junction of the second guide surface and the second shear face is considered to be the second shear edge. Repass teaches that the first shear edge having a first section forward of the hole and a second section different than the first section aft of the hole. It should be noted that the first shear edge has a section forward of the hole that receives the fastener 11 and a second aft of the hole. Repass also teaches a second shear edge at the junction of the first guide surface and the second shear face, the first and second shear edges being generally parallel to and spaced apart from one another by the thickness of the body. Repass also teaches that the hole is in the body extending between the first and second shear faces, the hole being configured to interface with the casing 6, 16 such that the blade can be attached to the casing with a first shear face facing inward and only the first section of the first shear face facing inward and only the first section of the first shear edge positioned at a cutting zone for shearing a workpiece. The hole being further positioned such that the blade can be attached to the casing with the second shear face facing inward and only the second section of the first shear edge positioned at the cutting zone. See Figs. 1-4 in Repass.

Regarding claim 58, Repass teaches everything noted above including that the second guide surface opposite the first guide surface and extending between the first and second shear faces; a third shear edge at the junction of the second guide surface and the first shear face; and a fourth shear edge at the junction of the second guide surface and the second shear face, the third and fourth shear edges being generally parallel to and spaced apart from one another by the thickness of the body.

Regarding claim 59, Repass teaches everything noted above including a second guide surface opposite the first guide surface and extending between the first and second shear faces; a third shear edge at the junction of the second guide surface and the first shear face, the third shear edge having a first section and a second section different than the first section; a fourth shear edge at the junction of the second guide surface and the second shear face, the third and fourth shear edges being generally parallel to and spaced apart from one another by the thickness of the body; a second hole in the body extending between the first and second shear faces, the second hole being configured to interface with the casing such that the blade can be attached to the casing with the first shear face facing inward and only the first section of the third shear edge positioned at the cutting zone, the second hole being further positioned such that the blade can be attached to the casing with the second shear face facing inward and only the second section of the third shear edge positioned at the cutting zone.

Regarding claim 61, Repass teaches everything noted above including that the first guide surface is flat to lie flush against the face of the workpiece while the workpiece is sheared.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 57, and 60 are rejected under 35 U.S.C. 103(a) as being unpatentable over Repass. Regarding claims 57 and 60, Repass teaches everything noted above including a second and third mounting holes 10. Repass does not explicitly teach that the second and third mounting holes are at least approximately equidistance from one the first mounting

hole. Repass also fails to teach six mounting holes. However, it is well known in the art to provide additional holes and fasteners on a device in order to more firmly secure the device to a main body. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide an additional mounting hole on the Repass blade in order to more firmly secure the blade to the shearing device. Furthermore, varying the position of the holes along the blade would have been obvious to one of ordinary skill in the art at the time the invention was made in order to firmly secure the blade and prevent vibrations.

### *Conclusion*

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Lowe, SR. et al. (2002/0023354), Sillak (2,874,465), Lynders (5,379,521), Hsieh (5,974,670) and Chavarria (4,689,884) teach a cutting blade.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ghassem Alie whose telephone number is (571) 272-4501. The examiner can normally be reached on Mon-Fri 8:30 am - 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Boyer Ashley can be reached on (571) 272-4502. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information

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about the PAIR system, SEE <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Ghassem Alie  
Patent Examiner  
Art Unit 3724

A handwritten signature in black ink that reads "Ghassem Alie". The signature is written in a cursive, flowing style.

GA/ga

September 29, 2007